

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

WILLIAM L. DINGA,

Defendant.

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Case No. 08-CR-122-C

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of court endorsed hereon, the United States Attorney for the Western District of Wisconsin hereby dismisses, without prejudice, Count 1 of the Superseding Indictment against defendant William L. Dinga.

1. On August 7, 2008, a federal grand jury in the Western District of Wisconsin returned a nine-count indictment charging William L. Dinga and Danielle Sunderlage with (1) conspiring to knowingly and intentionally submit false statements in the acquisition of firearms to conceal the identity of the true purchasers in violation of 18 U.S.C. § 371 (Count 1); (2) making a false statement with respect to information required to be kept in the records of a licensed firearms dealer , in violation of 18 U.S.C. § 924(a)(1)(A) (Counts 2, 3, and 6 - Dinga; Counts 4 and 5 - Sunderlage); and (3) making a false statement to a law enforcement officer in violation of 18 U.S.C. § 1001 (Counts 7 and 8 - Dinga; Count 9 - Sunderlage).

2. On March 11, 2009, a federal grand jury in the Western District of

Wisconsin returned a thirteen-count indictment charging William L. Dinga and Danielle Sunderlage with the same counts contained in the original indictment and adding four additional counts against Danielle Sunderlage for (1) falsely claiming she was not a user of marijuana when she purchased a firearm in violation of 18 U.S.C. § 924(a)(1)(A) (Counts 10 and 12); and (2) unlawfully possessing a firearm while being a marijuana user in violation of 18 U.S.C. § 922(g)(3) (Counts 11 and 13).

3. In all material respects the original indictment and the superseding indictment remained the same for defendant William L. Dinga. It added no additional counts as to Dinga, and the numbering of the Counts against him remained the same.

4. On April 8, 2009, co-defendant Danielle Sunderlage pleaded guilty to Count 11 of the superseding indictment. She will not be proceeding to trial with Mr. Dinga.

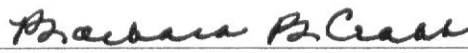
5. The government believes that there is now insufficient evidence to convict William L. Dinga of the charge contained in Count 1 of the Superseding Indictment, and therefore moves to dismiss that Count.

Respectfully submitted this 15th day of April, 2009.

ERIK C. PETERSON
United States Attorney

By: /s/ JOHN W. VAUDREUIL
Assistant U.S. Attorney

Leave of court is granted for the filing of the foregoing dismissal.


BARBARA B. CRABB
United States District Judge

Dated: 4/15/09